

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

THURSDAY, THE 12TH APRIL 2007 / 22ND CHAITHRA 1929

WP(C).No. 10453 of 2007(T)

PETITIONER:

M.UMMER,AGED 42,S/O.SOOPY,S.N.MANZIL
P.O,MAJBAIL,MANJESWARAM (VIA),KASARGOD.

BY ADV. SMT.R.PADMAKUMARI

RESPONDENTS:

1. KASARGOD DISTRICT CO-OPERATIVE BANK
REPRESENTED BY ITS GENERAL MANAGER,KASARGOD.
2. MANAGER,
KASARGOD DISTRICT CO-OPERATIVE BANK,HOSSANGADY\
BRANCH,KASARGOD.

BY SRI.V.G.ARUN, SC

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 12/04/2007, THE COURT ON 12/04/2007 DELIVERED THE
FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

P1: TRUE COPY OF THE AWARD IN ARC 200/0-3 PASSED BY THE ASST.
REGISTRAR/ARBITRATOR CUM SALE OFFICER/KASARAGOD DIST. CO-OPERATIVE BANK.

P2: TRUE COPY OF NOTICE DT.24.1.05.

P3: .DO. .DO.

P4: .DO. .DO.

P5: .DO. DT.11.8.05.

TRUE COPY

P.A. TO JUDGE

C.N.RAMACHANDRAN NAIR, J.

.....
W.P.(C) No.10453 of 2007
.....

Dated this the 12th day of April, 2007.

JUDGMENT

Heard counsel for the petitioner and Standing Counsel for first respondent-Bank. The petitioner's house for the construction of which loan was advanced, is sold in recovery proceedings and the creditor-Bank itself purchased it. However, petitioner is still in possession of the house. Counsel submitted that though petitioner is a driver, he is offered financial assistance by relatives and he will be able to discharge the liability within three months. In the circumstances, W.P. is disposed of directing the respondents to forbear from sale of petitioner's property or dispossession of the petitioner until 30.6.2007. It is open to the petitioner to arrange for sale of his house or any part thereof and settle liability due to respondents. If payment is made and liability is settled on or before 30.6.2007, then the sale made in recovery proceedings in favour of the Bank will stand cancelled and property will revert back to the petitioner. If petitioner makes payment before 30.6.2007, then there will be direction to the Bank to grant OTS benefit, if available, to the petitioner and in any case to waive complete

penal interest. However, if liability is not settled by 30.6.2007, the Bank can recover full amount by sale of petitioner's house.

C.N.RAMACHANDRAN NAIR
Judge

pms